

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

United States

—v—

Gerard Scparta,

Defendant.

18-cr-578-01 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

On April 17, 2020, the Court received the Government’s supplemental reply to Mr. Scparta’s request to be quarantined in his home. Dkt. No. 63. In that letter, the Government represented that “BOP staff advised the Government that the requirement of a 14-day quarantine period prior to release is consistent with the current directives of the Attorney General.” *Id.* at 2. However, the Attorney General’s April 3 memorandum, which the Government cites in support of this position, states the following:

For all inmates whom you deem suitable candidates for home confinement, you are directed to immediately process them for transfer and then immediately transfer them following a 14-day quarantine at an appropriate BOP facility, *or, in appropriate cases subject to your case-by-case discretion, in the residence to which the inmate is being transferred.*

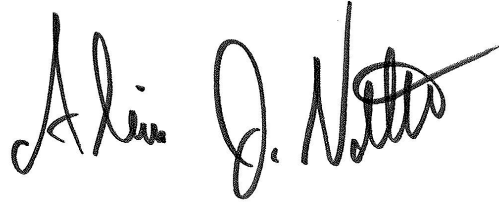
William P. Barr, Attorney General, Memorandum for Director of Bureau of Prisons: Increasing Use of Home Confinement at Institutions Most Affected by COVID-19, at 2 (Apr. 3, 2020) (emphasis added).

The Government is directed to file a letter, no later than April 17, 2020 at 9:00 P.M., answering the following questions: Has the Bureau of Prisons yet exercised this case-by-case discretion for inmates at FCI Butner being released on home confinement? What considerations inform the exercise, or lack thereof, of this discretion? Has the Bureau of Prisons considered

exercising this discretion to transfer Mr. Scparta directly to his home? If it has not yet done so, when will consideration of this request be made, given the highly time sensitive nature of the request?

SO ORDERED.

Dated: April 17, 2020
New York, New York

A handwritten signature in black ink, appearing to read "Alison J. Nathan", written in a cursive style.

ALISON J. NATHAN
United States District Judge